

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VIOLET P. BLANDINA, on behalf of
herself and all others similarly
situated,

Plaintiff,

vs.

**MIDLAND FUNDING, LLC and
MIDLAND CREDIT MANAGEMENT,
INC.,**

Defendants.

Civil Action No.

2:13-cv-01179-NIQA

**UNCONTESTED MOTION OF DEFENDANT MIDLAND CREDIT
MANAGEMENT, INC., FOR AN AMENDED PRELIMINARY
APPROVAL ORDER**

AND NOW comes Defendant Midland Credit Management, Inc., ("MCM") by and through its undersigned counsel, Marshall Dennehey Warner Coleman & Goggin, P.C. and, with the consent of Plaintiff, respectfully submit this Motion seeking an extension of class notice deadlines and for continuance of the Fairness Hearing to March 28, 2016, averring as follows:

1. On September 23, 2015, this Honorable Court granted the Motion for Preliminary Approval of the class settlement in Blandina. *See* ECF entry 80.
2. The September 23, 2015 Preliminary Approval Order set forth all relevant dates and deadlines for the issuance of the class notice, member opt outs, objections, claims made, etc. Additionally, the Order provided the date for a Fairness Hearing, February 24, 2016. *See* ECF entry 80.

2. The deadlines for class member opt outs, objections, claims made submissions, final motions, briefs, etc., were all calculated from the date of the mailing of the Class Notices, on October 23, 2015. *See* ECF entry 80.

3. In the course of providing the class list to the Class Administrator, defense counsel discovered that the Excel spreadsheet identifying the class members was corrupted.

4. MCM attempted to "cure" the corrupt file, but these efforts proved unsuccessful.

5. To further complicate matters, the individual who compiled the class list at MCM, based on data points for the class, was (and remains) out of the office, returning on November 2, 2015 and he will not have internet access until his return.

6. Accordingly, MCM was compelled to re-write the software coding to re-run the data points for the class in order to re-create the class list.

7. Because of the delay in producing the class list to the Class Administrator, the Class Administrator was unable to mail out the Class Notices by the Preliminary Approval Order deadline of October 23, 2015.

8. Prior to the October 23, 2015 deadline, counsel for MCM conferred with counsel for the Plaintiff to discuss the delay and to discuss a remedy, including the necessity of revising dates in the Preliminary Approval Order.

9. On October 27, 2015, counsel for Midland Credit Management received the recreated class list and provided the class spreadsheet to the Class Administrator, as well as to counsel for Plaintiff.

10. All parties anticipate that the Class Notice will be mailed by the Class Administrator on November 6, 2015.

11. Since the relevant dates and deadlines set out in the Preliminary Approval Order were based on an October 23, 2015 Notice mailing date, the parties respectfully request that all deadlines be moved for two weeks to correlate with the updated mailing date of November 6, 2015.

12. The parties respectfully request that the Fairness Hearing previously scheduled for February 24, 2016, be continued to March 28, 2016.

13. MCM attached an Amended Preliminary Approval Order reflecting all new deadlines for Your Honor's consideration.

WHEREFORE, Defendant, Midland Credit Management, Inc., respectfully requests that this Honorable Court grant this Motion and enter the Amended Preliminary Approval Order in the form attached hereto.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

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Dated: October 28, 2015